

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
LAFAYETTE DIVISION**

**LIONEL NED, JR.**

**CIVIL ACTION NO. 16-1035**

**VERSUS**

**JUDGE ROBERT G. JAMES**

**EUNICE POLICE DEPARTMENT, ET AL.**

**MAG. JUDGE CAROL B. WHITEHURST**

**JUDGMENT**

For the reasons set forth in this Court's Ruling and the Report and Recommendation of the Magistrate Judge, to the extent adopted, and having considered the entire record in this matter, including the written objections and responses to the Magistrate Judge's Report and Recommendation,

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that EPD's Motion to Dismiss [Doc. No. 6] is GRANTED, and Plaintiff's claims against the EPD are DISMISSED WITH PREJUDICE.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Defendants Chief Fontenot, Officer Frank, and Officer Mott's Motions to Dismiss [Doc. Nos. 4 & 23] are GRANTED IN PART and DENIED IN PART. To the extent Defendants move the Court to dismiss Plaintiff's § 1983 and state law claims of false arrest and false imprisonment and Plaintiff's claims under the Fifth, Eighth, and Ninth Amendments, the motions are GRANTED, and those claims are DISMISSED WITH PREJUDICE. The motions are otherwise DENIED.

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Defendant Chief Fontenot's separate Motion to Dismiss [Doc. 9] is DENIED.

MONROE, LOUISIANA, this 23rd day of January, 2017.

  
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ROBERT G. JAMES  
UNITED STATES DISTRICT JUDGE